



06-26-08

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CONFIRMATION NO. 4774

SERIAL NO. 10/762,182
ART UNIT: 2800
APPLICANT: W.T.Bell

§ FILING DATE:
§ EXAMINER:
§ ATTNY DOCKET NO.:

01/21/2004
Troy Chambers
Titan 002.1C

TITLE: **EXPLOSIVE PIPE SEVERING TOOL**

CUSTOMER NO. 37471

Mail Stop: APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

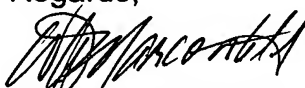
TRANSMITTAL LETTER

Dear Sir:

Responsive to the June 16, 2008 Notification of Non-Compliant Appeal Brief, please enter the enclosed Substitute Page 5 into the body of the Appeal Brief filed June 4, 2008 in support of the subject patent application.

Also enclosed is a copy of the Notification form PTOL-462 for convenient identification.

Regards,


W. Allen Marcontell
Reg. No. 22,925

Express Mail No. EH 121992511 US



PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Pgs. 5

Application Number

10/762,182

Filing Date

01/21/2004

First Named Inventor

Bell, William T.

Art Unit

2800

Examiner Name

Chambers, Troy

Attorney Docket Number

Titan 002.1C

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Return receipt postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Substitute Pg. 5
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Transmittal Letter
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	4. Copy: Form PTOL-462
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks Express Mail No. EH 121992511 US		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	W. Allen Marcontell		
Signature			
Printed name	W. Allen Marcontell		
Date	June 25, 2008	Reg. No.	22,925

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	W. Allen Marcontell	Date	06/25/2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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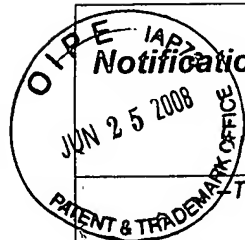
(E) STATUS OF CLAIMS

33 claims have been filed during the course of prosecution.

Claims 1 – 20 and 27 – 33 have been canceled.

Claims 21 – 26 have been finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,397,752 to W. Yang et al in view of U.S. Patent No. 5,431,104 to J.M. Barker

The Final Rejection of claims 21 – 26 is appealed.



**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No. 10/762,182	Applicant(s) BELL, WILLIAM T.	
Examiner Troy Chambers	Art Unit 2800	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 04 June 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

2. Status Of Claims: The Appeal Brief does not give the status of all the claims filed in the application. The status of claims 1-20 and 27-33 are to be identified in this section. A new Appeal Brief is not required, only the defective part..

/Everett R. Williams /
Everett R. Williams
Patent Appeals Specialist